

SUPREME COURT OF ARIZONA

KIRK ADAMS, Speaker of the) Arizona Supreme Court
Arizona House of Representatives,) No. CV-10-0405-SA
in his official capacity; and)
RUSSELL PEARCE, President of the)
Arizona Senate, in his official)
capacity,)

Petitioners,)

v.)

THE COMMISSION ON APPELLATE)
COURT APPOINTMENTS;)
REBECCA WHITE BERCH, officially)
in her capacity as Chair of the)
Commission on Appellate Court)
Appointments; SUZANNE M.)
BALLARD; DOUG COLE; CAREY)
DOBSON; ROBERT M. GALLO; JOHN A.)
LEAVITT; LINDA MARTIN; DEWEY D.)
SCHADE; JANE C. STRAIN; JOHN)
THOMAS TAYLOR, III; CHARIE)
WALLACE; WILLIAM J. EKSTROM,)
JR.; JILL HARRISON; MICHAEL)
RUSING; and TED A. SCHMIDT,)
officially in their capacities)
as members of the Commission on)
Appellate Court Appointments,)

Respondents.)

O R D E R

FILED 01/19/2011

Having reviewed the briefs submitted by the parties and amici and the applicable law and having heard oral argument in this matter, the Court accepts jurisdiction of the petition for special action.

IT IS ORDERED granting relief in part, as to nominees Mark Schnepf and Stephen Sossaman, who are ineligible to serve on the Arizona Independent Redistricting Commission (Redistricting Commission) because their positions as directors of irrigation districts are "other public office[s]" under Arizona Constitution article 4, part 2, section 1(3). The issues Petitioners raise concerning Schnepf's and Sossaman's unwillingness to serve and the effect of any application withdrawals are therefore moot and will not be decided by this Court.

IT IS FURTHER ORDERED that Respondents shall promptly identify two eligible individuals from the other Republican candidates to replace nominees Schnepf and Sossaman and thereby allow appointment of the initial member of the Redistricting Commission by Speaker Adams on or before January 31, 2011.

The Court concludes Petitioners have not established that nominee Paul Bender is disqualified from or ineligible for appointment to the Redistricting Commission based on his service as an appointed tribal court judge. Therefore,

IT IS FURTHER ORDERED denying relief as to the claims challenging nominee Bender's eligibility. An opinion of this Court will follow in due course.

DATED this _____ day of January, 2011.

Andrew D. Hurwitz
Vice Chief Justice

TO:
Peter A. Gentala
Gregrey G. Jernigan
Mary R. O'Grady
Mark D. Wilson
Rex C. Nowlan
Stanley G. Feldman
Paul F. Eckstein
Jack H. Fields
Stephen W. Tully
Ruth Willingham